Information society: copyright and related rights

1997/0359(COD) - 20/10/2000 - Commission communication on Council's position

This Communication from the Commission concerns the common position of the Council on the adoption of a Directive on the harmonisation of certain aspects of copyright and related rights in the Information Society. The common position takes on board the great majority of the amendments proposed by the European Parliament at its first reading (and which the Commission accepted in its amended proposal). The common position remains close to the Commission's amended proposal, as regards both its strucutre and content. Certain key revisions introduced by the European Parliament and adopted by the Commission in its amended proposal have been subsequently refined by the Council in its common position. In addition, the common position now contains further key objectives underlying certain of the European Parliament's original amendments which had not been accepted by the Commission in its amended proposal. In particular, the notion of fair compensation for certain of the exceptions, the requirement of lawful use in relation to the mandatory exception of certain technical acts of reproduction and the structure of the provision on the legal protection of technological measures as dealt with in the common position, all reflect amendments first proposed by the European Parliament. The Commission has accepted all the changes made to its amended proposal by the Council. With regard to the amendments themselves, the European Parliament adopted at first reading 56 amendments to the initial proposal of the Commission. In its amended proposal, the Commission incorporated 44 out of 56 of the European Parliament's amendments, either fully or in part. 37 amendments, accepted by the Commission in its amended proposal, have been retained by the Council, in whole, in part or in substance. The main amendments to existing exceptions and limitations by the Council relate to analogue and digital private copying, reproduction rights, broadcasting organisations and protected works. New exceptions and limitations added by the Council relate to reproductions of broadcasts, obligations as to technological measures, obligations concerning rights-management information, sanctions and remedies, continued application of other legal provisions, application over time, technical adaptations and final provisions. In conclusion, as regards the implementaiton deadline, the date "by 30 June 2000" referred to in the Commission's amended proposal, having passed, was no longer relevant. The Council replaced this date by an implementation period of two years and the Commission accepted this.